

REFERENCE TITLE: **federal mandates committee; annual recommendation**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# **SB 1044**

Introduced by  
Senator Tibshraeny

AN ACT

AMENDING SECTION 41-1293, ARIZONA REVISED STATUTES; RELATING TO THE JOINT LEGISLATIVE COMMITTEE ON FEDERAL MANDATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-1293, Arizona Revised Statutes, is amended to  
3 read:

4           41-1293. Joint legislative committee on federal mandates:  
5           members: powers and duties

6       A joint legislative committee on federal mandates is established  
7 consisting of the president of the senate who shall serve as cochairperson,  
8 six members of the senate **WHO ARE** appointed by the president of the senate,  
9 the speaker of the house of representatives who shall serve as cochairperson  
10 and six members of the house of representatives **WHO ARE** appointed by the  
11 speaker of the house of representatives. No more than four members of the  
12 senate or house of representatives shall be from the same political  
13 party. The president, **OR** speaker, or both, may appoint a member of their  
14 respective bodies to serve in lieu of the president or speaker on the  
15 committee. If the president or the speaker elects to appoint a member to  
16 serve in lieu of **their THE PRESIDENT'S OR SPEAKER'S** respective position on  
17 the committee, the president or speaker shall designate the member from **their**  
18 **THE PRESIDENT'S OR SPEAKER'S** respective body to serve as cochairperson.  
19 Members shall serve two year terms ending on the convening of the regular  
20 session of the legislature each odd-numbered year.

21       B. A majority of the members constitutes a quorum for the transaction  
22 of business. The committee shall meet on the call of either cochairperson.

23       C. The committee shall:

24           1. Review the activities of Congress and the federal government,  
25 including court rulings with regard to any laws, regulations or other actions  
26 that may require this state to comply with any federal mandate.

27           2. Take any action necessary to protect this state's constitutional  
28 rights and sovereignty against federal mandates.

29           3. In the course of its review select mandates to be further studied  
30 to determine the following factors:

31           (a) Whether the federal mandate infringes on the sovereign role of  
32 states granted under the tenth amendment of the Constitution of the United  
33 States.

34           (b) Whether the federal mandate has a solid basis in law.

35           (c) Whether the federal mandate is necessary from a public health,  
36 safety and welfare perspective.

37           (d) Whether the federal mandate achieves a desirable social, economic  
38 or other public policy goal.

39           (e) Whether compliance with the federal mandate is mandatory and, if  
40 so, the consequences of noncompliance.

41           (f) How the federal mandate is funded.

42           (g) Whether uniformity of standards among the states is essential for  
43 the operation of the federal mandate or whether the states are or should be  
44 permitted flexibility that accounts for their unique situations.

1               (h) Whether this state is better able to administer the mandated  
2 function more efficiently than the federal government.

3               (i) Any other factors the committee deems to be important.

4               4. ~~On or before December 31 of each year make a recommendation to the~~  
5 ~~governor, the speaker of the house of representatives and the president of~~  
6 ~~the senate as to whether this state should participate in the federal~~  
7 ~~mandates the committee reviewed during the year.~~

8               D. The committee may:

9               1. Arrange for and conduct an annual joint session of the legislature  
10 or a meeting of the committee and request the attendance of all members of  
11 the Arizona congressional delegation to discuss issues relating to federal  
12 mandates and the appropriate use of federal power to influence state policy.

13               2. Utilize legislative staff for research and other services required  
14 by the committee.